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## FACSIMILE TRANSMITTAL

## TO:

Name: Mail Stop AF  
Group Art Unit 3738  
Examiner Bruce Edward Snow

Firm: U.S. Patent &amp; Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 09/921,844

Filed: August 3, 2001  
SPINAL IMPLANT SURFACE CONFIGURATION  
Attorney Docket No. 101.0084-01000  
Customer No. 22882  
Confirmation No.: 8295

## FROM:

Name: Amedeo F. Ferraro, Esq.

Phone No.: 310-286-9800

No. of Pages (including this): 10

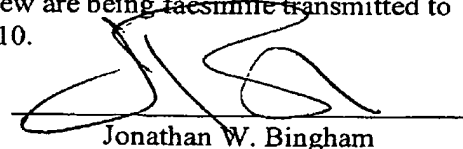
Date: December 15, 2010

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## Message:

## CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate; \$540.00 total amount to cover the \$540 fee for the Notice of Appeal), Notice of Appeal, Pre-Appeal Brief Request for Review form (PTO/SB/33), and Pre-Appeal Brief Request for Review are being facsimile transmitted to the U.S. Patent and Trademark Office on December 15, 2010.

  
Jonathan W. Bingham

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FORM PTO-1083

DEC 15 2010

Attorney Docket No.: 101.0084-01000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No: 09/921,844

Filed: August 3, 2001

For: SPINAL IMPLANT SURFACE  
CONFIGURATION

Confirmation No.: 8295

Art Unit: 3738

Examiner: Bruce Edward Snow

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Notice of Appeal in reply to the Office Action of November 30, 2010 in the above-identified application.

- ☐ No additional fee is required.
- ☐ Applicant hereby requests a \*\*\*-month extension of time to respond to the above office action.
- ☒ A Pre-Appeal Brief Request for Review and Form PTO/SB/33 are enclosed.
- ☐ An Information Disclosure Statement Under 37 C.F.R. § 1.97(\*\*\*) with Form PTO/SB/08 is enclosed.
- ☒ The total amount of \$540.00 to cover the fee for a Notice of Appeal is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726.
- A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN &amp; FERRARO, LLP

Date: December 15, 2010

By: 

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Transmittal of Reply to Office Action 12-15-10